



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : CRIPPS et al. Confirmation No: 1830  
Appl. No. : 10/774,393  
Filed : February 10, 2004  
Title : PHARMACEUTICAL FORMULATION OF FLUTICASONE  
: PROPIONATE

TC/A.U. : 1616  
Examiner : M Haghighatian

Docket No.: : CRIP3001C3/REF  
Customer No: : 23364

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Richard E. Fichter, represent that I am the attorney of record for the above-identified application.

SmithKline Beecham Corporation (hereinafter referred to as "Assignee") is the owner of the entire right and title to the above-captioned patent application and the invention and improvements therein disclosed for the United States, by virtue of an assignment from the inventors to SmithKline Beecham Corporation dated March 31, 2001, and recorded on September 11, 2002. The assignee is also the owner of the entire right and title to U.S. Patent No. 6,479,035 issued on November 12, 2002 and U.S. Patent No. 6,630,129 issued on October 7, 2003, by virtue of the same assignment from the inventors to SmithKline Beecham Corporation. The present application and the '035 and '129 patents are based on the same initial filing in the United States.

The terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,479,035 and 6,630,129 is hereby disclaimed. Any patent granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the U.S. Patent Nos. 6,479,035 and 6,630,129, this agreement to run with any patent on the above-captioned application to be binding upon the grantee, its successors or assigns.

Appl. No. 10/774,393  
Amendment dated: January 4, 2005  
Reply to OA of: October 7, 2004

However, no rights available under the provisions of 35 U.S.C. §§155 and 156 are hereby waived.

No terminal part is disclaimed of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of the U.S. Patent Nos. 6,479,035 and 6,630,129 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

The Terminal Disclaimer fee of \$130.00 is submitted herewith. Please charge any additional fees or credit any overpayments in connection with this paper to Deposit Account No. 02-0200. A duplicate copy of this paper is enclosed.

I, Richard E. Fichter, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent.

Respectfully submitted,

BACON & THOMAS, PLLC

By: \_\_\_\_\_  
Richard E. Fichter  
Registration No. 26,382

625 Slaters Lane, 4<sup>th</sup> Fl.  
Alexandria, Virginia 22314  
Phone: (703) 683-0500  
Facsimile: (703) 683-1080

REF:kdd  
Terminal Disclaimer.wpd

January 4, 2005

# ANHANG ZUM RECHERCHENBERICHT ÜBER DIE STANDARDRECHERCHE NR.

RS 111292  
DE 10344229

In diesem Anhang sind die Mitglieder der Patentfamilien der im obengenannten Recherchenbericht angeführten Patentedokumente angegeben.  
Die Angaben über die Familienmitglieder entsprechen dem Stand der Daten des Europäischen Patentamts am  
Diese Angaben dienen nur zur Unterrichtung und erfolgen ohne Gewähr.

13-07-2004

Im Recherchenbericht angeführtes Patentedokument	Datum der Veröffentlichung	Mitglied(er) der Patentfamilie	Datum der Veröffentlichung
WO 03049860 A	19-06-2003	WO 03049860 A1	19-06-2003
WO 8606488 A	06-11-1986	EP 0221105 A1 WO 8606488 A1	13-05-1987 06-11-1986
EP 0279574 A	24-08-1988	AT 79676 T AU 600085 B2 AU 1145888 A BR 8800577 A CA 1318580 C DE 3873787 D1 DE 3873787 T2 DK 79588 A EP 0279574 A1 ES 2034186 T3 FI 880698 A ,B, GB 2201241 A ,B GR 3006064 T3 HK 31691 A IE 60188 B1 JP 2541609 B2 JP 63223559 A NO 880665 A ,B, SG 4591 G US 4965047 A ZA 8800906 A	15-09-1992 02-08-1990 18-08-1988 27-09-1988 01-06-1993 24-09-1992 21-01-1993 18-08-1988 24-08-1988 01-04-1993 18-08-1988 24-08-1988 21-06-1993 03-05-1991 15-06-1994 09-10-1996 19-09-1988 18-08-1988 05-04-1991 23-10-1990 28-12-1988
US 2002137199 A1	26-09-2002	AU 2730502 A WO 0234197 A2	06-05-2002 02-05-2002
US 5710041 A	20-01-1998	KEINE	

Für nähere Einzelheiten zu diesem Anhang : siehe Amtsblatt des Europäischen Patentamts, Nr.12/82

EPO FORM PWT1

In diesem Bescheid sind folgende Entgegenhaltungen erstmalig genannt. (Bei deren Nummerierung gilt diese auch für das weitere Verfahren):

- 1) EP 0 329 120 A2 ✓
- 2) WO 86/06 488 A1 ✓
- 3) EP 0 583 833 A2 ✓
- 4) DE 101 37 565 A1 ✓
- 5) DE 43 41 862 A1 ✓
- 6) US 5 362 654 ✓
- 7) US 5 147 780 ✓
- 8) US 38 25 410 ✓
- 9) US 4 324 758 ✓
- 10) US 3 888 629 ✓
- 11) WO 99/01221 A1 ✓
- 12) US 3 704 206 ✓
- 13) DE 195 45 130 A1 ✓
- 14) US 4 526 690 ✓
- 15) US 5 364 591 ✓
- 16) US 5 863 502 ✓

1. Aus der Druckschrift 1) (Figur 3 samt Beschreibung) ist eine Vorrichtung mit allen Merkmalen des Anspruchs 1 bekannt, der Anspruch 1 ist aus diesem Grunde wegen mangelnder Neuheit seines Gegenstandes nicht gewährbar.
2. Ähnliche Vorrichtungen sind auch aus den Druckschrift 2) bis 10) bekannt.
3. Aus der Druckschrift 1) ist auch ein Verfahren gemäß Anspruch 22 bekannt, der Anspruch 22 ist somit wegen mangelnder Neuheit seines Gegenstandes ebenfalls nicht gewährbar.
4. Bezüglich der Merkmale der Unteransprüche 2 bis 21 wird neben den Druckschriften 1) bis 10) noch auf die Druckschriften 11) bis 16) verwiesen.
5. Es ist nicht ersichtlich, dass durch die Aufnahme von Merkmalen der Unteransprüche in

## Process and apparatus for the determination of parameters of a breath condensate

Veröffentlichungsnummer DE10137565

Veröffentlichungsdatum: 2003-03-06

Erfinder

DIETZE STEFAN (DE); ROTHE MICHAEL (DE);  
BECHER GUNTHER (DE); LEHMANN CLAUDIA  
(DE); PORZELT JOACHIM (DE)

Anmelder:

FILT LUNGEN UND THORAXDIAGNOST (DE)

Klassifikation:

- Internationale:

G01N33/487; A61B5/083

- Europäische:

G01N33/497

Anmeldenummer:

DE20011037565 20010730

Prioritätsnummer(n):

DE20011037565 20010730

Auch veröffentlicht als

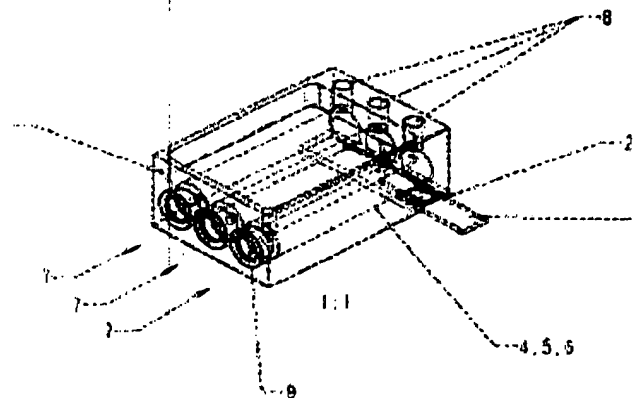


US2003023389 (A)

Keine Zusammenfassung verfügbar für DE10137565

Zusammenfassung der korrespondierenden Patentschrift **US2003023389**

The invention relates to a process and apparatus for the determination of the parameters of a breath condensate using at least one sensor for the measurement of the parameters and an analysis unit with display for the measurement results. The at least one sensor (2) is positioned in a closed cassette (1), whereby the cassette includes storage containers (4, 5, 6) with flushing solutions and/or solutions for the conditioning of the at least one sensor and/or calibration solutions and/or compounds for the manufacture of a calibration solution and/or for the dilution of the sample solution and/or for elevation of the ion concentration or the conductivity of the sample solution. The storage containers (4, 5, 6) deliver their contents completely or in metered amounts into the cassette and/or onto the at least one sensor (2) under the action of means acting from the outside and through the cassette walls. Furthermore, the cassette (1) includes at least one opening for the introduction of the sample solution onto the at least one sensor (2), and has contacts (3) for receiving the measurement data originating from the at least one sensor (2).



Daten sind von der **esp@cenet** Datenbank verfügbar - Worldwide

## Sample assay device in card form - useful for cocaine detection by latex agglutination test

Veröffentlichungsnummer DE4341862

Veröffentlichungsdatum: 1994-06-09

Erfinder

JOHNSON SCOTT DAVID (US); KAPRAUN  
RICHARD CHARLES (US); LACOUR KEVIN  
EUGENE (US); RODRIGUEZ II NOE ESAU (US);  
DEOMS JAMES HOWARD (US); LEGINUS  
JOSEPH M (US); MILEAF DARYL SUNNY (US);  
YOUNG RICHARD MCLEOD (US)

Anmelder:

WESTINGHOUSE ELECTRIC CORP (US)

Klassifikation:

- Internationale:

G01N35/00; G01N33/94; G01N33/577

- Europäische:

G01N33/543D; B01L3/00C6; G01N33/543K;  
G01N35/00C

Anmeldenummer:

DE19934341862 19931208

Prioritätsnummer(n):

US19920986816 19921208

Auch veröffentlicht als



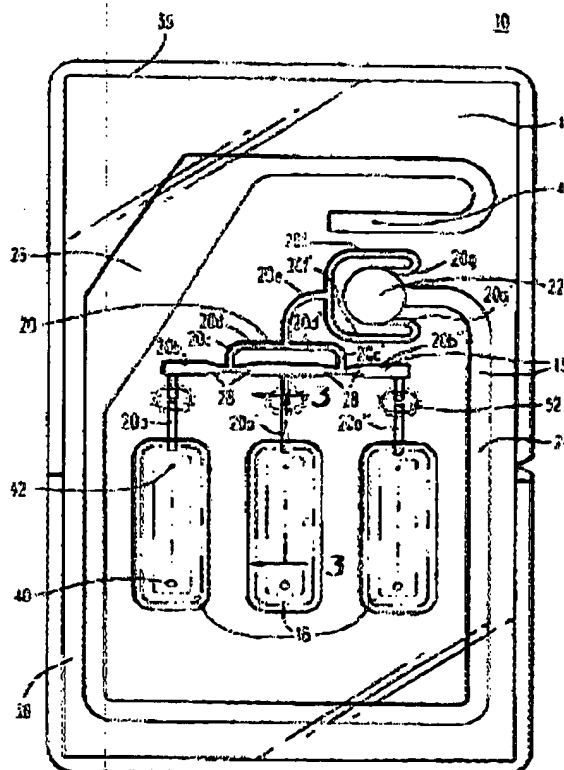
US5500187 (A)

JP7191032 (A)

### Zusammenfassung von DE4341862

An assay device, for analysing a sample of an unknown substance by mixing with a reagent, has (a) a housing with one or more reagent holding reservoirs; (b) an inlet opening for accommodating the sample in the housing; and (c) at least one path which is used to control reagent flow rate and mixing characteristics and which produces a fluid connection between the reagent and the inlet opening for mixing with the sample.

A method of determining the identity of an unknown sample involves (i) providing an assay card comprising the above assay device including a reaction path with an optical viewing face for observing the result of mixing reagent and sample; (ii) introducing the sample into the assay device; (iii) pressing reagent out of the reservoir through the control path into the sample-contg. part of the housing at a first flow rate; and (iv) reducing the flow rate so that the reagent and sample mixt. flows from the sample-contg. part of the housing into the reaction path. USE/ADVANTAGE - E.g. for latex agglutination reactions using monoclonal mouse anti-cocaine antibodies in buffered soln. as the antibody reagent and latex-cocaine particles in buffered soln. as the latex reagent, for cocaine detection. The device allows detection and measurement of an analyte in a sample or on a surface and is an inexpensive throw-away unit which facilitates sample taking and reaction by the user.



Daten sind von der esp@cenet Datenbank verfügbar - Worldwide



## Verfahren und Vorrichtungen für ein modulares Mikrosystem für hochgenaue chemische Schnell-Analysen und Verfahren zur Herstellung

Veröffentlichungsnummer DE19545130

Veröffentlichungsdatum: 1997-06-05

Erfinder CAMMANN KARL PROF DR (DE)

Anmelder: CAMMANN KARL PROF DR (DE)

Klassifikation:

- Internationale: G01N31/20; G01N31/16; G01N31/22; G01N33/53;  
G01N27/416; B01L3/02; G01N33/50; C12Q1/00;  
C12Q1/26; C12Q1/32; C12Q1/42; C12Q1/54

- Europäische: B01L3/00C2D; G01N21/29B; G01N31/16

Anmeldenummer: DE19951045130 19951204

Prioritätsnummer(n): DE19951045130 19951204

Auch veröffentlicht als



WO9721095 (A)

WO9721095 (A)

### Zusammenfassung von DE19545130

The invention relates to a method and a device for determining the concentration of an analyte, analyte mixture or biochemical analyte-equivalent substance (titrant) contained in a sample using at least one selective reagent (titrator). Instead of the concentration-proportional intensity measurement known from prior art, the invention uses an absolute equivalent quantity measurement which can be miniaturised and can be read off with considerably greater accuracy. Measurement of the titrator quantity equivalent to the analyte concentration, i.e. of the chemical titrator equivalent to be measured, is reduced to a simple and rapid procedure for determining a location or line. The reaction in the reaction series, i.e. the point on a titration line, at which equivalent quantities of analyte and titrator are present is determined. Other process steps such as biochemical analyte-identification reactions or chromatographic separations can also be included.

Daten sind von der **esp@cenet** Datenbank verfügbar - Worldwide



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☒ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**